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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,469	03/31/2004	William Hatcher	07-328-JB	6384
31718 7590 04/17/2008 BELASCO, JACOBS & TOWNSLEY LLP HOWARD HUGHES CENTER 6100 CENTER DRIVE SUITE 630 LOS ANGELES, CA 90045				
EXAMINER UTAMA, ROBERT J				
ART UNIT 3714		PAPER NUMBER		
NOTIFICATION DATE 04/17/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/815,469

**Applicant(s)**

HATCHER ET AL.

**Examiner**

ROBERT J. UTAMA

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1.5-11, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1.5-11, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Application***

1. This office action is a response to the amendment and argument filed on 12/27/2007. The current status of the claims are as follow: claim 1, 5-11, 34-35 are still pending and claim 2-4, 12-33 have been cancelled.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1, 5, 8-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Sack Saver in view Science of Bagging.**

**Claim 1:** The Sack Saver reference provides a teaching of a method for training a user to pack a retail bag comprising the step of: presenting plurality of purchased item in said computer in a random order (see Sack Saver item 1), presenting a plurality of retail carrier bag in said computer (see Sack Saver item 2); moving said plurality of purchased item one at a time, as presented, into said plurality of retail carrier bag one at a time within said computer in accordance with signal generated by said user (see Sack Saver item 3). The Sack Saver reference provides a teaching of providing logic in a computer to evaluate whether a plurality of retail carrier bags have been properly packed with a plurality of purchased item, evaluating in said computer how closely the packing of said plurality of purchased item into said plurality of retail carrier bag conforms to said packing criteria and providing feedback to said user.

The Science of Bagging provides a teaching of providing logic in a computer to evaluate whether a plurality of retail carrier bags have been properly packed with a plurality of

purchased item (see Science of Bagging "weight, item, position"); evaluating in said computer how closely the packing of said plurality of purchased item into said plurality of retail carrier bag conforms to said packing criteria (see Science of Bagging "item count") and providing feedback to said user (see Science of Bagging "prize"). Therefore, it would have been obvious to include the feature of providing logic in a computer to evaluate whether a plurality of retail carrier bags have been properly packed with a plurality of purchased item, evaluating in said computer how closely the packing of said plurality of purchased item into said plurality of retail carrier bag conforms to said packing criteria and providing feedback to said user; as taught by Science of Bagging reference; because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery.

**Claim 5 and 9:** The Sack Saver reference fails to provide a teaching of packing criteria include number of purchased item packed in each retail carrier bag. However, the Science of Bagging provide a teaching of packing criteria include number of purchased item packed in each retail carrier bag (see Science of Bagging "item count"). Therefore, it would have been obvious to one ordinary skilled in the art to include packing criteria include number of purchased item packed in each retail carrier bag, as taught by Science of Bagging reference, because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery.

**Claim 8:** The Sack Saver reference fails to provide a teaching of weight distribution among said plurality of retail carrier bags. However, the Science of Bagging reference provides a teaching of weight distribution among said plurality of retail carrier bags (see Science of Bagging "weight"). Therefore, it would have been obvious to include the feature of weight distribution among said plurality of retail carrier bags, as taught by Science of Bagging reference, because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery.

**Claim 10:** The Sack Saver reference fails to provide a teaching where the feedback includes the total time taken by said user to pack all of said purchased items into said plurality of retail carrier bag.

However, the Science of Bagging a teaching where the feedback includes the total time taken by said user to pack all of said purchased items into said plurality of retail carrier bag (see Science of Bagging "speed"). Therefore, it would have been obvious to include the feature of having feedback includes the total time taken by said user to pack all of said purchased items into said plurality of retail carrier bag, as taught by Science of Bagging reference, because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery.

**4. Claim 6-7 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Sack Saver in view Science of Bagging and further in view of Chowdurry 6,875,958.**

**Claim 6 and 7:** The Sack Saver fail to provide a teaching of criteria include the criterion that a crushable purchased item should be in a lower position or lower corner position within said retail bag.

However, the Chowdurry reference provides a teaching of criteria include the criterion that a crushable purchased item should be in a lower position or lower corner position within said retail bag (see Chowdurry col. 9:14-31). Therefore, it would have been obvious for one of ordinary skilled in the art to include the feature of quantifying by the determining the fragile item be placed in a certain position in the container, as taught by Chowdurry, because it would help the user be able to take into account possible damage (see Chowdurry see 9:15-20).

**Claim 34:** The Sack Saver reference provides a teaching of a method of training of a person in the art of packaging purchased item comprising the step of: providing a computer generated GUI of a packing station (see Sack Saver item 6); a simulation of plurality of different purchased item (see Sack Saver item 1); a simulation of at least one packing bag (see Sack Saver item 3); a simulation of at least one packing platform (see Sack Saver item 6); a simulation of a conveyor belt travelling toward said packing station (see Sack Saver item 1); an item vertical and horizontal rotate button (see Sack Saver item 4); a new bag button (see Sack

Saver item 2); simulation of a grocery cart (see Sack Saver item 6); allowing said person to rotate said purchased item, if necessary by clicking one or both of said rotate button with cursor (see Sack Saver item 4); allowing said person to place at least one bag on said packing station by clicking on new bag button (see Sack Saver item 2)

The Sack Saver reference does not provide a teaching of a done button allowing said person that has finished packing all purchased item by clicking the done button, allowing said person that has finished packing all purchased item by clicking the done button, cursor, bag item count indicator, bag weight indicator, and elapsed time indicator.

The examiner takes OFFICIAL NOTICE on the feature of done button, allowing said person that has finished packing all purchased item by clicking the done button, providing linking mean for said person to manipulate said cursor (input device) and cursor as being old and well known in the art of graphical user interface. Therefore it would have been obvious to one of ordinary skilled in the art to include the feature of done button and cursor because it would enable the user to provide game input information to the system.

While the Sack Saver reference fail to provide simulating movement of said purchased item along conveyor belt; said purchased item being presented in random order; allowing said person to move one purchased item at a time from said conveyor belt to packing bag and placed said purchased item in a specific location within said packing bag by means of dragging and dropping with cursor and allowing said person to move a filled bag from packing platform to said grocery cart with said cursor. However, it would have been obvious to one of ordinary skilled in the art to include the feature of simulating movement of said purchased item along conveyor belt; said purchased item being presented in random order; allowing said person to move one purchased item at a time from said conveyor belt to packing bag and placed said purchased item in a specific location within said packing bag by means of dragging and dropping with cursor and allowing said person to move a filled bag from packing platform to said grocery cart with said cursor, in order to provide a sense of realism in the simulation.

The Science of Bagging provides a teaching of specification and indicator of a bag item count indicator, bag weight indicator and elapsed time indicator; tracking parameters for each training run: said parameter includes the number of item placed in bag, total weight in bag, total time to complete packing time (see Science of Bagging item count, speed, weight); reporting parameter to person and calculating each training run on these parameter (see Science of Bagging prizes) . Therefore it would have been obvious to one of ordinary skill in the art to include the feature of specification and indicator of a bag item count indicator, bag weight indicator and elapsed time indicator, as taught by Science of Bagging reference, because it would enable the user can be evaluated on the efficiency of the user in bagging the grocery.

The Sack Saver fails to provide a teaching of criteria include the criterion whether the item were properly placed in bag. However, the Chowdurry reference provides a teaching of scoring whether the items were properly placed in bag (see Chowdurry col. 9:14-31). Therefore, it would have been obvious for one of ordinary skill in the art to include the feature of quantifying by the determining the fragile item be placed in a certain position in the container, as taught by Chowdurry, because it would help the user be able to take into account possible damage (see Chowdurry see 9:15-20).

**5. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Sack Saver in view Science of Bagging and further in view of Lee US 5,441,415.**

**Claim 11 :** The Sack Saver reference fails to provide a teaching of recording said feedback in database accessible to an administrator through a computer network.. However, Lee provides a teaching of having a database accessible to an administrator on a network (See FIG. 1 item 42, 44 and 40). Therefore it would have been obvious to one of ordinary skill in the art to include the feature of having a database accessible to an administrator on a network, as taught by Lee, because it would allow an administrator to guide the user (see Lee col. 2:45-67).

6. **Claim 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Sack Saver in view Science of Bagging, in view of Chowdurry 6,875,958 and further in view of Lee US 5,441,415.**

**Claim 35:** The Sack Saver reference fails to provide a teaching of recording said feedback in database accessible to an administrator through a computer network.. However, Lee provides a teaching of having a database accessible to an administrator on a network (See FIG. 1 item 42, 44 and 40). Therefore it would have been obvious to one of ordinary skill in the art to include the feature of having a database accessible to an administrator on a network, as taught by Lee, because it would allow an administrator to guide the user (see Lee col. 2:45-67).

#### ***Response to Arguments***

7. Applicant's arguments with respect to claim 1, 5-11 and 34-35 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezutto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./  
Examiner, Art Unit 3714

/Ronald Laneau/  
Supervisory Patent Examiner, Art Unit 3714  
03/17/08